

REMARKS

Together with this Supplemental Reply, Applicants hereby submit

(1) a certified English translation of a certified copy of the French foreign priority document (FR 98/00258) and

(2) a copy of one page of the partially considered PTO-1449 filed Nov. 6, 2000.

In light of the following remarks and the certified translation submitted herewith, Applicants respectfully request reconsideration of the pending rejection.

I. Status of the Claims and Information Disclosure Statement

Claims 33-36, and 38-69 are pending. No claim is amended.

With respect to item (2) above, although the Submission filed on September 13, 2004 ("the RCE Submission"), indicates on page 2 that a copy of one page of a partially considered PTO-1449 filed Nov. 6, 2000, was submitted therewith, Applicants believe that they may have inadvertently omitted to file this attachment.

Accordingly, Applicants have now included with this supplemental paper the above-described page of the PTO-1449 for the Examiner's consideration of document 100, as discussed in the RCE Submission.

II. Rejection under 35 U.S.C. § 103(a)

Claims 32-36, 38-41, 43, 44, 49, 50 and 56-69 are rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Aaslyng et al. (WO 97/19998)("Aaslyng") in view of de la Mettrie (U.S. 5,989,295)("de la Mettrie").
Final Office Action dated August 13, 2003, p. 3.

As discussed in the RCE Submission, de la Mettrie is not available as a reference under 35 U.S.C. §103(c). To perfect their claim of priority and as discussed in the RCE Submission at pages 3-4, Applicants now enclose a certified English translation of the French foreign priority document (FR 98/00258) filed in France on January 18, 1998. Since this certified translation perfects Applicants' priority claim, de la Mettrie is not available as prior art in a §103(a) rejection. 35 U.S.C. §103(c).

Thus, for the reasons of record and for at least the aforementioned reason, this rejection should be withdrawn.

CONCLUSION

In view of the foregoing remarks, Applicants respectfully request reconsideration of the rejection in this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response, although none are believed to be necessary, and charge any additional **required** fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 22, 2004

By: 

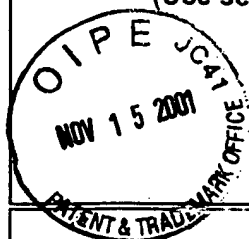
Thalia V. Warnement
Reg. No. 39,064

Attachments:

- a certified English translation of the certified copy of the French foreign priority document (FR 98/00258);
- a copy of the page of the partially considered PTO-1449 filed Nov. 6, 2000 listing unconsidered document 100.

INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)



Atty Docket No.

05725.0632-00000

Serial No.

09/600,128

Applicant

Gérard LANG et al.

Filing Date

September 13, 2000

Group

U.S. PATENT DOCUMENTS

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*Examiner Initial	Document Number	Date	Name	Class	Sub Class	Filing Date If Appropriate

FOREIGN PATENT DOCUMENTS

Document Number	Date	Country	Class	Sub Class	Translation Yes No
100 WO 97/39727	Oct. 30, 1997	PCT			Abstract

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

69	101	English language Derwent Abstract of JP 59-99437.
69	102	English language Derwent Abstract of JP 60-33552.
69	103	English language Derwent Abstract of JP 60-43659.
69	104	English language Derwent Abstract of JP 2-19576.
69	105	English language Derwent Abstract of JP 5-163124.
69	106	English language Derwent Abstract of JP 7-36159.
69	107	English language Derwent Abstract of JP 7-84348.
69	108	English language Derwent Abstract of JP 7-92632.
69	109	English language Derwent Abstract of JP 7-98489.
69	110	English language Derwent Abstract of JP 7-244361.

Examiner

Eisa Sato

Date Considered

1/3/02

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.